

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Sal Castelluccio and Elizabeth)	
Castelluccio)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 8-1356
)	
Little Giant Federal Credit Union,)	
)	
Defendant.)	

AMBROSE, Chief District Judge

ORDER OF COURT

And Now, this 2nd day of April, 2009, after careful consideration, the Defendant's Motion for Contempt and Sanctions (Docket No. [10]) is DENIED. Rule 11 of the Federal Rules of Civil Procedure requires that a motion be served to the opposing party pursuant to Rule 5, *prior* to filing the motion with the Court. This provides the opposing party the opportunity to correct the challenged behavior. See Fed. R. Civ. P. 11(c)(2). There is no indication from the Defendant's submissions that it complied with this procedure. Accordingly, entering an award of contempt and sanctions would be inappropriate.

Nevertheless, as stated at the Case Management Conference on March 25, 2009, Plaintiffs are required to provide verification from their attorneys for legal services rendered in connection with this lawsuit by April 8, 2009. See Docket No. [12]. Further, because it appears that the Plaintiffs never fully complied with the terms of this Court's March 9, 2009 Order, it is further Ordered that the Plaintiffs provide, either on or before April 8, 2009, a *detailed* calculation of damages

including supporting documentation. Defendants shall respond within seven days thereafter. The Court expects that the parties will then engage in good faith settlement negotiations.

BY THE COURT:

/s/Donetta W. Ambrose
Donetta W. Ambrose,
Chief U.S. District Judge